

The Los Angeles Times has reported alarming cases of mismanagement by conservators who are appointed by the courts to protect the elderly. By definition, a conservator is “a guardian appointed by the court to take charge of the property or manage the affairs of an incompetent person.” By taking charge of another person’s personal and financial affairs, a conservator assumes a fiduciary relationship which calls for the utmost care when handling the financial and personal affairs of that individual. As such, the conservator should act in the best interest of the elderly individual who presumably cannot care for him or herself.

Tragically, there appears to be widespread abuse of this fiduciary relationship by apparently unscrupulous conservators who may be manipulating our legal system to exploit the elderly and their possessions. Given the fact that the elderly population is projected to increase significantly in the coming years, thereby potentially attracting even greater abuses by unethical conservators, it now more important than ever for government to take every step necessary to safeguard this population. Acknowledging that the function of conservators is a vital one in our society, we must act diligently and cautiously to deter unscrupulous conservators while not burdening or penalizing honest and hardworking members of that profession.

I THEREFORE MOVE THAT the Board of Supervisors direct the Chief Administrative Officer to immediately create a taskforce consisting of the Interim Director of the Department of Community and Senior Services, the Director of the Department of Consumer Affairs, County Counsel, Public Guardian and other interested County Department heads to accomplish the following tasks:

1. Immediately review the case scenarios of conservator abuse and mismanagement reported by the L.A. Times
2. Assess the County’s current ability to adequately investigate complaints from the public about conservator mismanagement or abuse;

MOTION

Burke _____

Yaroslavsky _____

Knabe _____

Antonovich _____

Molina _____

3. Analyze the impacts of any pending legislation dealing with the licensing, oversight or regulation of conservators;
4. Examine the feasibility of promoting state legislation that would expand the authority of the County's Adult Protective Services Program to monitor, investigate and adjudicate complaints from the public against conservators for abuse and mismanagement; and
5. Request assistance from the District Attorney's Elder Abuse Prevention Unit to conduct this review and assessment.

I FURTHER MOVE THAT this Board direct the Chief Administrative Officer to report back with his findings and recommendations at the next meeting of the Board of Supervisors.

MOTION

Burke	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Molina	_____